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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,333	10/10/2003	Khosrow Vijeh	50019.0258US01	9266

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EXAMINER	
VU, DAVID HUNG	
ART UNIT	PAPER NUMBER
2828	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/684,333	VIJEH, KHOSROW	
	Examiner	Art Unit	
	David Vu	2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-10,12-16,18-20* is/are rejected.

7)☒ Claim(s) *4,11 and 17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 5-6, 8-9, 12-13, 15-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Praiswater, U.S. Pat. No. 5,754,013 in view of Szuba, U.S. Pat. No. 5,118,992.

Praiswater essentially discloses the claimed invention including a circuit for controlling backlighting, comprising means 30 for continuously measuring light output; means 45 for producing a continuous light-level signal in response to the continuous measuring by the ambient light measuring means; amplifier means 42 for producing a continuous feedback signal in response to the continuous light-level signal; and driver means 33-34 including switching means, arranged to operate in response to the continuous feedback signal, for producing a signal for driving backlighting in response to the feedback signal such that the driving signal drives the backlighting in proportion to light output, see, for example, abstract, figures 2-3, 5, columns 3, lines 20+, column 4,

lines 10-25, column 5. Praiswater does not explicitly disclose means 30 is continuously measuring ambient light. Szuba discloses means LS for continuously measuring ambient light (column 1, lines 30-34, 45-49, column 4, lines 67-68). An obvious modification would have provided the Praiswater reference with means LS as taught by Szuba. It would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have provided the Praiswater reference with means LS so as to provide means for continuously measuring ambient light.

Regarding claims 9,16, the continuous feedback signal is produced by summing the continuous light-level signal and a voltage from element 66, which can be read broadly as reference voltage, at a first input node (negative input) of the amplifier means 42.

Regarding claims 12-13, the continuous light-level signal is produced by supplying current from the light sensor to resistor 45.

Regarding claim 18, the continuous feedback signal is coupled to light sensor 30.

The claimed method is inherent in the combination of Praiswater and Szuba references.

4. Claims 3, 7,10,14,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Praiswater and Szuba in view of Muegge et al, U.S. Pub. No. 2004/0037094.

Praiswater and Szuba, as discussed from the above, essentially disclose the claimed invention but fail to explicitly disclose a bandgap voltage reference. Muegge et al disclose bandgap voltage reference Vref (figure 3, paragraph 0047). It would have

been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have provided the Praiswater and Szuba combination with the bandgap voltage reference, thus a reliably stable reference voltage would have been realized.

Regarding claims 14,19, figure 8 of the Muegge et al reference does show switching means Q1 and an inductor.

The claimed method is inherent in the combination of Praiswater, Szuba, and Muegge et al references.

Allowable Subject Matter

5. Claims 4,11, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 04/27/2005 have been fully considered but they are not persuasive.

Applicant argues that the optical feedback control system as taught by Praiswater cannot be used to measure ambient light because photodiode 30 is contained in the backlight cavity, which is protected from ambient light. Accordingly, Praiswater fails to teach or suggest an optical feedback control system that measures ambient light, and thus cannot drive the backlighting in proportion to ambient light. The examiner respectfully traverses this assertion. Applicant is reminded that applicant can not show

nonobviousness by attacking the references individually where, as here, the rejection is based on a combination of references. See In re Keller, 208 USPQ 871 (CCPA 1981). The combination of Praiswater and Szuba clearly discloses or suggests a feedback control system that measures ambient light, and thus drives the backlighting in proportion to ambient light.

Applicant also argues that the examiner's reasoning does not address why measuring ambient light would have been obvious and there is nothing in either Praiswater or Szuba that would suggest using a feedback circuit to control a lighting circuit in response to ambient lighting conditions. The examiner disagrees. The combination of Praiswater and Szuba explicitly discloses a feedback system including ambient light measuring sensor LS. Measuring ambient light is clearly disclosed at least in the Szuba reference (column 1, lines 25+); obviously one motive for this is to conserve energy, see same column, lines 25-35. Contrary to applicant's belief that there is no suggestion (other than applicant's own disclosure) to use a feedback circuit for the purpose of power conservation, column 1, lines 25-35 of the Szuba reference clearly discloses such energy conservation in the backlighting system. Again, applicant is reminded that references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969. Also, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F2d 513,135 USPQ 317 (CCPA 1962). Furthermore, the conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or

suggestion in a particular reference. In re Bosek, 416 F2d 1385, 163 USPQ 545 (CCPA 1969). Not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom maybe properly evaluated in formulating a rejection. In re Preda, 401 F.2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard 319 F.2d 194, 138 USPQ 148 (CCPA 1963).

Regarding applicant's arguments about the bandgap voltage reference, applicant again does not take into account the combination of references as a whole. Such bandgap voltage reference obviously would have been necessary so as to provide a stable circuit operation for the feedback lighting system.

Conclusion

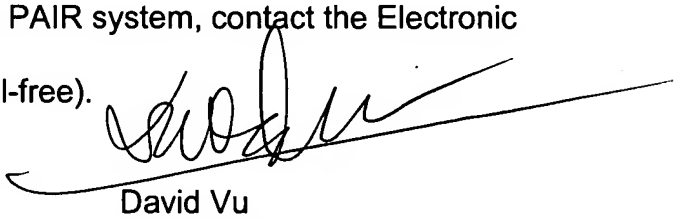
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (571) 272-1831. The examiner can normally be reached on M-F 8am-430pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Vu
Primary Examiner
Art Unit 2828

dv